REMARKS

Claims 2, 4, 6 - 10, 12, 14 and 19 - 39 were finally rejected under §103(a) as being unpatentable over the conventional binder strip disclosed in the subject application (hereinafter "ADPA") in view of either USPNo. 4,247,273 to Pogrzeba et al (hereinafter Pogrzeba) or USPNo. 4,612,230 to Liland et al (hereinafter Liland). Withdrawal of these rejections is respectfully requested.

As noted in the subject application, the present invention is directed to binder strips having a substantial reduction in transverse curl, with such reduction being due to the presence of the disclosed mechanical deformations imparted to the adhesive of the binder strip. As noted in the Declaration of Eugene Anderson Pursuant to Rule 132 and in the Supplemental Declaration of Eugene Anderson Pursuant to Rule 132 submitted earlier, the mechanical deformations do not provide any "substantial reduction" in binder strip curl unless those deformations are applied after the adhesive applied to the binder strip substrate has had an opportunity to cool. Thus, merely applying deformations to the adhesive is not sufficient alone to reduce unwanted curling.

Pogrzeba relates to a method of treating a web, such as a length of photographic film, so that the web may be wound around a reel so that the layers of the wound web do not "shift or shoot out" from the reel. [Col. 1, lines 7 - 16]. This problem is "generally solved by thickening the edges of the web" by stamping the outer edges so as to form localized raised regions. Some earlier approaches for thickening resulted in damage to the web as follows:

> "This [cold stamping] damages the edges of the web and there is therefore a risk of the web tearing or rending in the subsequent processing machines. The web also becomes subject to corrugation or a 'winged' effect along the edges". [Col. 1, lines 46 - 50]

Other web thickening approaches involve thermal stamping, with "[t]he high temperature needed for this purpose and the high pressures cause the edge of the web to shift ('wing effect') owing to the softening of the area surrounding the stamping." [Col. 2, lines 2 - 5]

The improved approach of Pogrzeba is to form localized indentations which "are melted into the edges of the web at the points of contact between the sonotrode [ultrasonic head] by the concentrated energy at the points of contact between the sonotrode and the web ...". [Col 2, line 64 et seq]. This is said to be an improvement of previous methods in that "it was surprisingly found that no 'winged' effect occurred" when using this improved approach. [Col. 2, line 41 et seq]

According to the Examiner, the undesired "winged effect" is a form of curl. However, it can be seen that Pogrzeba teaches that a length of film can be treated by thickening the edges of the film using ultrasound so as to prevent "shift or shoot out" of the film windings when the film is supported on a reel. Unlike previous approaches for solving this "shift and shoot out" problem, the Pogrzeba approach does not produce any "winged effect." In other words, the Pogrzeba approach has nothing to do with eliminating any tendency of the film to curl since that tendency, according to Pogrzeba, is only created as a result of previous processes which Pogrzeba teaches to avoid. Thus, Pogrzeba teaches nothing of reducing curl but only teaches an approach that does not introduce curl in the first instance as compared to earlier approaches.

It should also be noted that Pogrzeba teaches that the simple act of stamping or deforming a body does not automatically reduce any tendency to curl. On the contrary, as just described, Pogrzeba discloses various stamping approaches which introduce, not reduce, curl. Given that Pogrzeba teaches nothing about curl reduction and given that Pogrzeba teaches other various approaches that actually increase curl, it is not known how Pogrzeba could possibly be relied upon so as to modify a conventional binder strip in some manner so as to arrive at any of the claimed inventions under §103(a). Thus, it is submitted that the pending claims are patentable over these references.

With respect to the rejection based upon the combination of a conventional binder strip and Liland, this rejection is also believed to be improper. Liland relates to a form of bandage which includes a fabric substrate 11 (Fig 3) and an underlying pressure sensitive adhesive 14 for securing the bandage to a user. A series of indentations 15 are formed in the fabric substrate using a "heat patterned print roller" [Col. 3, line 35 et seq]. These indentations are said to improve the physical qualities of the bandage as follows:

"The indentations also provide a tape which readily conforms to the tissue to be joined and moves with movement of the tissue yet maintains the tissue in place and held together under considerable stress. In combination with this improved elasticity and controlled elasticity, my unique wound closure tape also has increased drape; that is, it has an increased ability to conform to skin surface contours and, hence, once the strip is applied, it tends not to curl at the edges during wear." [Col 3, line 61 et seq]

Thus, Liland discloses a bandage having indentations formed in the bandage substrate which improve the "ability to conform to skin surface contours" when the bandage is applied to the user so that the edges of the bandage "tend not to curl". Such curling would apparently be reduced given that there is little tendency of the flexible bandage to return to its original shape that existed prior to being applied to a user. There is no teaching in Liland as to reduction of any curl in the bandage when the bandage is being stored. Clearly that is not an issue since the bandage is flexible and any curling is irrelevant until the bandage is applied to the user at which point the bandage is forced out of its original flat shape. On the other hand, as described in the subject application the binder strip curl problem exists during the period when the binder strip is being stored. Moreover, the curling problem is irrelevant once the binder strip has been used to bind a stack since, at this point, curling is not possible given that the strip is glued to the bound stack.

It is apparent that the curl reduction problem being solved in Liland is totally different that the curl reduction problem solved by the present invention. The approach of increasing the flexibility of an already flexible bandage to reduce curling once the bandage is forced to conform to the user's body is totally unrelated to Applicants' approach of reducing curl in a comparatively rigid binder strip while the binder strip is in storage. Adding to this is the fact that Liland teaches adding indentations 15 to the bandage substrate 11 and not the bandage adhesive 14.

In view of the foregoing, given that the problem addressed in the present application and the problem addressed in Liland are so totally different and given that the solutions are different in that Liland does not condition the adhesive, it is submitted that the claims are patentable under §103(a) over a conventional binder strip in view of this reference.

In conclusion, all pending claims are believed to be in condition for allowance and an earlier allowance is respectfully requested.

Respectfully submitted,

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